

Keisen Associates Tokyo: Researchers of Cancer Detection Dispute over IP Rights

Biotechnology venture company MYTECH of Kobe, Japan filed a patent application for early detection technology for cancer. However, one of the listed co-applicants and researchers, Associate Professor Hiroaki Ito of Showa University Koto Toyosu Hospital (Tokyo), has accused MYTECH of robbing him of credit for what he had really invented first.

Now the two parties are going to court to assert their stakes in the intellectual property rights at issue. Hearings will begin on September 28 as spokespersons for MYTECH and Ito present their cases.

Meanwhile, dozens of medical institutions have begun offering use of PROTEO, an application of this technology.

Ito claims to be the sole inventor, while his opponents (a father and son) in MYTECH argue that he only provided support in verifying their own ideas. There is dispute as to how the written agreement between Ito and MYTECH in 2012 was applied and whether Ito violated that agreement, where he supposedly affirmed that the IP rights to the invention belonged solely to MYTECH, when Ito began claiming that he had come up with the idea for the technology on his own, in research grant paperwork as well as for NHK news media.

How will, or will, the court affirm the 2012 agreement on the IP rights in this case? Even in Japan where litigation is rare, we see the necessity for inventors and applicants to clarify responsibilities and rights.

Hopefully, in either case this battle will not detract too much from the efforts both parties are making to find and fight cancer. Maybe even

this litigation will help spread the word that such beneficial technology is available, while we hope that the outcome of this legal battle benefits open and fair sharing and protection of [intellectual property rights in Japan's](#) future.